

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JOSE MANUEL AGUIERRE-GANCEDA

No. 4:17-CV-05094-EFS

Petitioner,

ORDER DISMISSING CIVIL CASE

5

HERIBERTO H. TELLEZ, Acting  
Warden.

**CLERK'S OFFICE ACTION REQUIRED**

### Respondent.

13 On July 3, 2017, Jose Manuel Aguierre-Ganceda's Petition for  
14 Writ of Habeas Corpus, which was filed in the Central District of  
15 California, was transferred to this District. As stated in the  
16 Court's prior text order, ECF No. 7, Mr. Aguierre-Ganceda already had  
17 a § 2255 motion pending before this Court that, in addition to  
18 requesting the same relief, asserted the exact same facts and  
19 arguments as in the California habeas petition; only the titles and  
20 the introductions differed. Compare ECF No. 244 in 03-CR-6016, with  
21 ECF No. 4 in 17-CV-5094. Therefore, Mr. Aguierre-Ganceda's civil  
22 habeas petition is dismissed as a duplicative filing and case number  
23 4:17-CV-05094-EFS shall be closed.

1 To ensure a complete record, the Court will direct the Clerk's  
2 Office to file Mr. Aguierre-Ganceda's civil habeas petition as a  
3 Notice of Duplicative Filing in the associated criminal case.<sup>1</sup>

4 Accordingly, **IT IS HEREBY ORDERED:**

5 1. The Clerk's Office is directed to file Mr. Aguierre-  
6 Ganceda's Petition for Writ of Habeas Corpus, **ECF No. 1** in  
7 **4:17-CV-05094-EFS**, as a Notice of Duplicative Filing in his  
8 criminal case, **2:03-CR-06016-EFS-1**, nunc pro tunc, as of  
9 **July 3, 2017**.

10 2. **Case No. 4:17-CV-05094-EFS** is **DISMISSED**.

11 3. All pending motions in **4:17-CV-05094-EFS** are **DENIED AS**  
12 **MOOT**.

13 4. All hearings and other deadlines in **4:17-CV-05094-EFS** are  
14 **STRICKEN**.

15 5. The Clerk's Office is directed to **CLOSE** Case No. **4:17-CV-**  
16 **05094-EFS**.

17 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this  
18 Order and provide copies to Mr. Aguierre-Ganceda and all counsel.

19 **DATED** this 23<sup>rd</sup> day of August 2017.

20 \_\_\_\_\_  
21 s/Edward F. Shea  
22 EDWARD F. SHEA  
23 Senior United States District Judge

24 <sup>1</sup> Mr. Aguierre-Ganceda's latest § 2255 motion already has an associated  
25 civil case that was opened for administrative purposes: Case No. 4:17-CV-  
05092-EFS.